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Helena E. Williams
President



MTA Long Island Rail Road

VIA FACSIMILE AND FIRST CLASS MAIL

December 21, 2009

Mr. Ricardo Sanchez, General Chairman
International Brotherhood of Electrical Workers
141 Waverly Avenue
Patchogue, NY 11772

RE: Commercial Drivers Licenses, Power Department

Dear Mr. Sanchez:

This letter will serve to confirm our discussions regarding the handling of a temporary loss of a Commercial Drivers License (CDL) that is referenced in the qualifications for Electricians working in the Power section of the Engineering Department. As you are aware, there has been a long-standing requirement for all Power Section Electricians to maintain a CDL so they can be called upon to drive Carrier vehicles in the absence of regular drivers. Carrier also realizes that from time to time we can do without all Electricians holding a CDL.

It has been our experience that some employees experience short-term medical conditions requiring them to temporarily relinquish their CDL license. In order to address this, and considering the spirit of Rule 46, Carrier agrees to consider, on a limited basis, a number of Electricians who could be relieved for a temporary period of time from the requirement to hold a Commercial Drivers License (CDL). Carrier proposes the following:

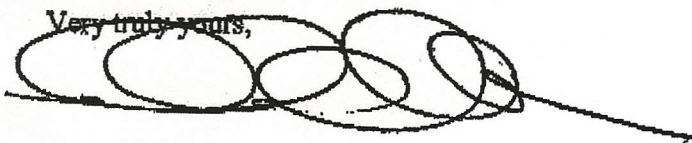
1. Employees will be considered for this status on a case-by-case basis considering the needs of service. All applications for such consideration must be made in writing outlining the reason the employee's CDL has been surrendered/suspended and the approximate duration (if known) until the license will be reinstated. The union on behalf of the employee will present applications to the Principal Engineer-ET.
2. The Carrier shall have sole discretion to make final determinations regarding the selection and the number of employees relieved, the mitigating reason(s) surrounding such action, and the length of the temporary relief afforded each employee. The Carrier is not obligated to entertain any request from any employee or their union to be temporarily relieved of the requirement to maintain a CDL license.
3. Employees considered for this status must be able to perform restricted or full duty.

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- 4. Under no circumstances will temporary relief be extended to employees who have lost their CDL license as a result of a violation of the NYS Penal Law or a violation of Article 31 (Alcohol and Drug related offenses) of the NYSVTL.
- 5. During the period an employee is temporarily relieved from the requirement to maintain a CDL license, they will be prohibited from working any overtime unless directed to do so by the Carrier. Employees in this status will be prohibited from exercising seniority to another position requiring a CDL license.
- 6. Employees granted temporary relief will receive the Electrician-basic rate of pay (plus any night/weekend differential) while they remain in such status. No skill differentials or other than the Electrician-basic rate of pay will be made. As an example, utilizing today's rates of pay, a track car pilot crane operator receives \$35.740 per hour. Should this track car pilot crane operator be required to relinquish his/her CDL for three (3) months, he/she would receive the Electrician-basic rate of pay, \$31.185 for the three (3) month period and have no claim for the difference in pay.

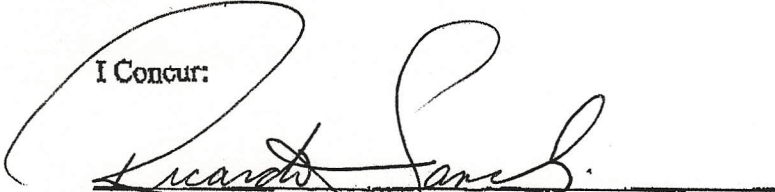
The parties agree that the requirements of Rule 19 (a) of the Controlling Agreement to jointly establish qualifications including the mandate to possess a CDL license and all necessary NYS DMV endorsements have been satisfied.

Should the aforementioned be acceptable to your Organization, please sign in the space provided below:

Very truly yours,


M. D. Chirillo
Director - Labor Relations (Administration)

I Concur:


Ricardo Sanchez, General Chairman - IBEW

12/23/09
Date

cc: S. M. Drayzen, R. Agritelley, R. Puciloski, J. Collins, J. Conway, S. Dalco, L. Kane, K. Layne